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Please cancel claim 2.

REMARKS

The applicant has received an International Search Report which listed three references, the US equivalents being Reiley et al, US 6,048,346; Karpman et al, US 6,214,012 and Maak, US Patent 4653487. The claims have been amended to better distinguish over the prior art of record.

As amended, the tool of the invention specifies a non-obvious tool that has a unique deflector opening that is angled and sized in a way that allows bone replacement material to be ejected from the device without jamming. The Kyphon reference, WO 9908616 has a simple side port that would immediately jam with the bone replacement material specified in the application. Note that the Kyphon reference refers to "free flowing" bone cement, page 9, lines 23-34 and "flowable materials", page 7, lines 28-33. The side port 18 of Kyphon is to sever the bolus 62 from the central lumen 32.

Likewise, Harrington WO 0028907 concerns simple screws with a hollow interior and simple side openings that let bone cement leak out into the adjacent bone. There is no teaching or appreciation of the difficulties of injecting in a quantity of bone replacement material in a manner which will not eject the tool from the site nor jam due to the material.

Finally, Maak, US Patent 4653487 discloses an intramedullary rod with side openings that simply allow the rod to be better fixed by allowing oozing bone cement to pass through the straight side openings. There is no ramping effect, nor special size or configuration to the openings since none are needed with bone cement.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned **"Version with markings to show changes made."**

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FORMALITIES

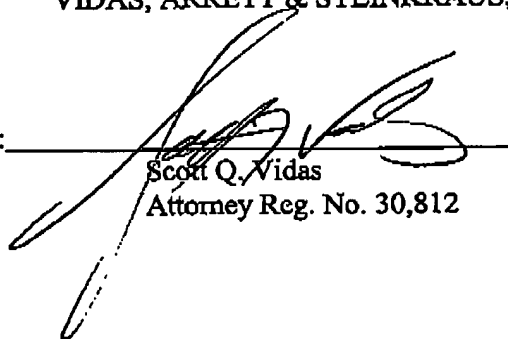
If an extension of time is required to make this response timely and no separate petition is enclosed, Applicant hereby petitions for an extension of time sufficient to make the response timely. In the event that this response requires the payment of government fees and payment is not enclosed, please charge Deposit Account No. 22-0350.

CONCLUSION

In view of the foregoing it is believed that the present application, with claims 1, 3-6 is in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Please amend claim 1 as follows:

1.(Once Amended) A tool for directing bone replacement material into a defined space comprising:

a) an elongated hollow tube having a proximal and a distal end, said proximal end being adapted for attachment to a source of bone replacement material under pressure; and

b) said distal end including at least one deflector opening for deflecting bone replacement material out of said tube at an angle relative to a longitudinal axis of said tube, each said at least one deflector opening having a length of between about 1 ½ to 3 D, wherein D is the internal diameter of said tube.

Please cancel claim 2